IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 26283 of 2003

Between:

V.S. Rajaiah, S/o. Veerapandithar, Badge No. 526, Barber (Kalyanakatta), R/o. S.K.D. Nagar, Tirupathi, Chittoor District.

..... PETITIONER

AND

Tirumala Tirupathi Devasthnam, Rep. by its Executive Officer Administrative Buildings, K.T. Road, Tirupathi,
Chittoor District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ or order more particularly one in the nature of writ of Mandamus declaring the Memo Roc.No. DA-4/26496/2003, dated 03-12-2003 issued by the respondent as illegal, arbitrary and violative of Articles 14,16, 19 & 21 of Constitution of India and consequently direct the respondent to continue the petitioner in the service.

Counsel for the Petitioner: MR. DADI RADHA KRISHNA

Counsel for the Respondent : Mr. P. SURESH REDDY (Standing counsel for T.T.D.)

The Court made the following :

ORAL ORDER:

Heard both the counsel appearing on behalf of the petitioner and on behalf of the respondent-Devasthanam.

The petitioner questions the order in Roc.No.DA-4/26496/2003, dated 03.12.2003, made by the respondent-Devasthanam in placing him under suspension with immediate effect until the conclusion of the disciplinary proceedings relating to the charges.

In the counter-affidavit it is stated that in exercise of the powers vested in the respondent-Devasthanam, the petitioner was placed under suspension, as there are grave charges against him. It is stated that on 27.11.2003, while the petitioner was on duty from 3.00 PM to 9.00 PM he did tonsure to the family members of one pilgrim party by name Mr. Anand D. Chowan of Mumbai and collected Rs.10/- + Rs.10/- from Mr. Anand D. Chowan. Hence, the said pilgrim party gave a statement in the presence of Deputy Executive Officer

(Kalyanakatta) in Form FBK-4. After verification that the petitioner had also done the work of other barber badge No.530 and there is prima facie conclusion that the petitioner demanded and collected Rs.20/- from the party, he was placed under suspension pending enquiry.

There is no dispute that the respondent-Devasthanam is the competent authority to place the petitioner under suspension. It is also stated that the subsistence allowance payable to the petitioner at the rate of 50% of his basic pay and other allowances, admissible as per rules per month, have already been sanctioned vide proceedings Roc.No.DA4/26496/2003, dated 10.12.2003. Therefore, I am not inclined to interfere with the order of suspension.

Having regard to the facts and circumstances of the case, the Writ Petition is disposed of with a direction to the respondent-Devasthanam to complete the disciplinary proceedings against the petitioner as expeditiously as possible within three months from the date of receipt of a copy of this order and pending disciplinary proceedings, the subsistence allowance payable to the petitioner may be paid to him. No order as to costs.

21st July, 2004

*Nsr

To

1. The Executive Officer, Tirumala Tirupathi Devasthnam, Administrative Buildings, K.T. Road, Tirupathi, Chittoor District.

2. Two CD copies.